

Tape Transcript

Admiral Stansfield Turner
Director of Central Intelligence
Address to American Society of Newspaper Editors
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I'm grateful for an introduction referring to my association with the President back in the Naval Academy. I want you all to know that I got this job strictly on merit.

What I do want to speak with you briefly about this morning is just what Dick has been outlining, and that's what it means to an intelligence community to come out from under a rock and start living in a fishbowl. Change is the only constant in the world of intelligence today. There's change in the great technology of our country, which changes the way we do our work. There's change in the focus of the United States' attention around the world, and we, as you, must cover many more countries, many more topics today. But the real change that I think is of interest to you, is the change of the environment in which American intelligence does and must operate today. You in the media are understandably an important element of this change. Look back only five or six years past that Gridiron Dinner that Dick referred to, before the Church the Committee, the Pike Committee, the Rockefeller Commission, the new oversight procedures in the Congress and the Executive Branch, the Intelligence Oversight Board, and so on. In those days, we did not

appear on the front pages as we do so frequently today. The result is that the intelligence profession in our country must, today, adapt to a new openness, a new association with the American public, and yet it must control that openness so that it can still go about and do its business, which must largely be done in secret.

This has meant adapting our profession in four fundamental dimensions. First, is the internal organization and operation procedures. Second, is our relations with the rest of the Executive Branch. Third, is our interface with the American Congress. And finally, is the much greater degree of interaction between us and the American public--most of it, of course, through you. Whether these changes in the way we operate will still permit us to do the job that the country needs and wants, is indeed a deserving topic of public debate and concern today. Let me look at each of these separate dimensions in the light of the considerable discussion that is going on today about how freely the CIA should be permitted to operate. Whether it should be unshackled. How unshackled? And if it is unshackled, at what risk to our Constitutional rights?

First, the internal dimension of change. For many years the Central Intelligence Agency has been divided into a number of separate departments--each doing a portion of our work. Traditionally, there has been very strict compartmentation between these departments in order to help protect

our secrets by minimizing, even within the Agency itself, the number of people who have access to very sensitive data. Obviously, there are risks when compartmentation is too tight. People may make decisions without having all the facts that are available. People may offer judgments which are too narrowly focused. If there were mistakes in the past in the CIA, I suspect that there were because the perspective in which the decisions were taken was too narrow. It was not a matter of maliciousness or callousness or of the Agency's being out of control. It was not.

Today, to ensure that compartmentation does not impede good, broad-based decisionmaking, we are moving towards a more corporate organizational structure. I use corporate in the sense that we are becoming more consultative, more collegial, better organized for long-term decisionmaking. We are hoping in the process not to become bureaucratized and inflexible as we mature. The disadvantage to the corporate approach, of course, is that as you increase the number of those who know about risky, sensitive activities, you also will increase the risk that those activities will be compromised. To reduce that risk, while expanding the number of offices that participate in our decisionmaking process, we attempt to restrict the number of individuals who have to know, and the level of detail that they have to have in order

to perform their individual role. In short, we are trying to find a happy medium between the dangers of isolated decision-making and such proliferation of information on sensitive activities that they will not remain sensitive and secretive.

The second dimension of change in our environment is that the CIA is less independent externally than it used to be. We are less like a small family business than we used to be. We are more like one element of a large, corporate conglomerate. The National Security Council is our Board of Directors, with the President as our Chairman. The Council today provides a far greater degree of advice and direction in our collection activities, in our analysis and in our covert actions, than it ever has before. There are, of course, pluses, as well as minuses, to this. A big plus is the fact that it ties us more intimately to the policymakers and their deliberations. We can serve them better. We can provide them data more to what they really need if we are privy to what their concerns are and what are the issues of the moment.

A minus, however, is the probability of damaging leaks of secretive information. Leaks are geometrically proportional to the number of people who know the information. It really doesn't make too much difference where the people are located or who they are. For instance, in the Executive Branch, there are always those with misplaced loyalty who

will try to influence policy by leaking secretive information that they think will change the national debate. The inhibitions of self-restraint and patriotism that prevailed in this country before Vietnam are less prevalent today in a no-holds-barred post-Watergate environment. I can assure you that this makes the job of the intelligence professional much more difficult.

The third dimension of change is our greater interplay with the United States Congress. In years past a few Senators and a few Representatives were informed about intelligence activities. The general attitude, however, was, don't tell me too much. I can assure you that attitude is long gone.

Again, there are pluses and there are minuses to this. The advice and the counsel of the Congress does keep us in closer contact with the American public and gives us a better understanding of what is expected of us. It also affords us a somewhat detached view of our activities. And, through this process, the Congress, in effect, assumes a share of the responsibility for what we do. The primary disadvantage is, of course, again, the danger of leaks. In terms of leaks, though, the Congress is not better nor is it any worse than the Executive Branch. And overall, the process of sharing with the Congress and gaining their advice has, in my opinion, worked well in the three years that I have been privileged to be part

of that process. I want to continue that relationship. Why then, has there been so much controversy in recent weeks over what the nature of that relationship is going to mean in the future? It is because we are attempting to codify into what is known as charters for the intelligence community. Codify the current practices that we have evolved over the last three or four years. In so doing, in my opinion, we are inadvertently attempting to establish a degree of precision which cannot be achieved. Intelligence is not a science; it is a craft, or, at times, even an art. An element of trust is vital, because without it, flexibility will be lost, and an intelligence organization that does not have flexibility simply is another bureaucracy.

The current effort to replace some trust with all law concentrates on two particular issues. The first is how soon we are to notify the Congress of what we are doing; second is at what level of detail.

The question of how soon we notify the Congress is in essence a Constitutional issue. It brings into question what the Founding Fathers intended when they created a separation of power. The powers given to the Congress in our Constitution are essentially to appropriate money, to legislate law, to impeach and, in the case of the Senate, to advise and consent on Presidential appointments. There is no provision in the

Constitution for prior consultation by the Executive with the Legislative Branch before the Executive undertakes actions in his Constitutional sphere.

A recent editorial in a leading newspaper revealed how much confusion there is today over this division of authority. It complained that if Congress were not informed in advance of implementation of intelligence activities, the President of the United States would be deprived of Congressional consultation. Now, consultation sounds like a very nice, voluntary activity. But when you require consultation by law, it is no longer voluntary; it becomes a mechanism for pre-judging, and consequently, for control of a President's actions. If the Congress were to pre-judge every Presidential action and be able to veto it in advance, the President would be unable to negotiate treaties, to act on domestic emergencies, to control our exports and imports, or to take any number of other actions which he must be able to take in the best interests of our country. Foreign intelligence is not different. De facto, Congressional veto power would deny the President the opportunity to take necessary initiatives to lead. Instead, he would become, at the least, an adjunct; at the worst, his puppet.

With respect to the amount of detail that we must share with the Congress, our concern is less with the actual sharing than with the preception of others. Outside of our country,

-there are few who understand why and how we share our intelligence process so completely with the Congress. Agents of ours overseas and intelligence services with whom we have good liaison know that their effectiveness, even their well being, depends on secrecy. They also know that a politician's viability depends to a large extent on public relations. We cannot easily persuade them that if they share with us highly sensitive information, and that if we, in turn, must share that information with our Congress, that it will be kept private. And when they are not convinced that their equities, and perhaps their lives, are going to be protected if they share with us, they simply will not choose to take those risks. The loss is ours, not theirs.

In practice, in my three years of association with the committees of Congress, I find that they have exercised extraordinarily good judgment in not pressing us for a level of detail that was unnecessary for the purposes. To my knowledge, they have never complained that we have provided them with inadequate detail to perform their oversight or legislative roles effectively.

Finally, this greater openness has changed our relationship with you, the Fourth Estate, and, of course, with the American public. We do need, and seek, better public understanding. No important public institution can survive in this country without support of the American public. We have tried, then, in recent

years to be more open with you. We have been more open in terms of declassifying and distributing our product when that can be done. Through making more of our analyses and studies available, we hope to provide the public with some more visible return on its investment in intelligence.

At the same time, though, we have been scrupulous in not talking our sources and methods of collecting intelligence information, for the very same reasons that each of you refuses to reveal your sources. We, as you, expect to protect the confidence of our sources, to use our sources repeatedly, to encourage other sources to join with us. We also protect information that is particularly useful to our policymakers because they alone have it and no one else knows that they do have it. And again, I think you can understand and appreciate with me, the benefits and the value of having an exclusive.

Thus our new openness is a controlled openness. It will work only though if we can control access to secret information and thus reduce the danger of leaks. This is the most serious challenge facing the American intelligence profession today. Accordingly, we are asking the Congress to help us in three respects.

The first is the Hughes-Ryan Amendment. This has been interpreted to require that whenever we undertake a covert

action, we must notify up to eight committees of the Congress. Revealing a covert action to more individuals than is absolutely necessary can risk lives unnecessarily and, in fact, mocks the term "covert." We want to reduce that notification to the two committees that oversee us. But please note that on those two oversight committees, there are representatives of the other six committees who are now on the notification list. In short, if those other committees, for their proper purposes, need to know about ongoing covert actions, that information will be available within their structure.

Next, we are asking for limited relief from the Freedom of Information Act. As you well know, today, you ,the Soviet Ambassador, anyone can demand information out of our files and we must at least respond as quickly as possible. Again, this is a problem particularly of perceptions, even more than fact--the perceptions of foreign liaison and foreign agents. How do you persuade someone to risk his life for our country if he believes that I may be required by law to reveal his name and identity in public? We are still willing to provide our citizens with any unclassified information in our files about them and to respond to inquiries about our product. But we must be able to continue to ensure our sources of information that we can protect them from exposure. They must perceive that we not only can, but we will do that.

Lastly, we are asking for legislation to let us prosecute

those who traitorously disclose the names of our officers and agents around the world. With acknowledged deliberateness, people like Philip Agee and others of his ilk are trying to undermine a legally constituted institution of our government which we all pay for with our tax dollars. With deliberate irresponsibility, they are making intelligence more expensive than it need be, they are reducing our effectiveness, and they are jeopardizing American lives. To permit this to continue would be ludicrous.

Please note now that none of three three measures of relief that I have just described constitute any meaningful relaxation of controls over the Central Intelligence Agency. They could not be described as an unleashing; or as a return to the good old days. They are simply steps toward restoring a modicum of essential secrecy in the American intelligence process. We can move in these directions safely today because of the elaborate oversight procedures that have been effectively installed in recent years.

Still, secrecy, any secrecy, will always seem an anachronism in our society. And, cover action will always conflict with the American tradition of fair play. But, ultimately we must recognize that in some international circumstances the Marquis of Queensbury rules simply cannot be applied. If we are to continue to be free and to be a world leader we simply

must know what is going on around us. A strong intelligence capability is clearly necessary. Carping at reasonable levels of secrecy and reasonable freedom to act covertly against hostile countries is naive and destructive.

We, of the intelligence profession, are sons and daughters of this nation just as are you. We are well aware of the nation's ethical standards and constitutional rights and your quite reasonable insistence that they be preserved. We have no intention of violating your trust nor undermining the very values we are committed to defend.

Yet, we do not simply ask to be trusted in this regard. We strongly endorse continuation of the oversight process both in the Executive and the Legislative Branches. It holds us fully accountable; it permits us to function effectively; it works.

Today, then, we are poised at a delicate balance point. If that balance is tipped any further in the direction of loosening controls over secrecy it would adversely affect our ability to continue to be a secret intelligence service. We do not ask to be unshackled. We ask to continue just as we have been successfully, over the past three years. I know of no accusation of illegality, impropriety, or abuse, nor any cause for such an accusation. I know of no inference that

the oversight process has not been thorough or effective during this period.

We are in the process of constructing a new, a uniquely American model of intelligence. It is tailored to American values and to recognition of the rights and privileges of the individual. Yet, it does permit us to do what needs to be done to preserve our national security. I ask your understanding and your support in completing this bold new concept. Thank you.

Q&A's American Society of Newspaper Editors

Q. Do you think it is proper for the CIA to recruit journalists as agents? A practice which many of us see as directly counter to the spirit of the First Amendment.

A. We fully share recognition that journalism, religion and academia bear a special importance for our country in preserving the independence and the perception of the independence of these particular professions. At the same time we recognize there may be unusual circumstances which an individual, who is also a member of one of those professions, may be uniquely placed to serve his country in a very difficult circumstance. Therefore, we have established a firm rule that there will be no covert use of people from those professions without a specific exception by the Director of Central Intelligence, myself. In short, we have taken very firm steps to preserve the separation between your profession and these others and ourselves, and yet we have let the country and you the opportunity when it is vitally important to this nation to use your profession and those others.

Q. Admiral Turner I would like ask a follow-up to that. Let's move from the process of co-opting our people to co-opting our process. Would you give us a pledge here today to refrain from using newsgathering as a cover for your intelligence operations?

A. I'll give you the same pledge on that as I just gave. That is only a very exceptional situation. What if we have a terrorist event in some foreign country and maybe the only way into that terrorist organization is for us to pose as a news person. Or, maybe the only way in is to use a stringer of some American news agency who happens to be a native of that country and related to somebody in the territory. Those are the kind of circumstances in which we would make exceptions.

Q. Of course, Admiral that is really not very practical since most of us are suspect overseas anyway as the result of past activities by the agents. Let me move to the new, today's New York Times, intelligence disclosure that says that Iraq is now permitting the Iranian exiles within its borders to form military groups committed to overthrowing the Khoemeni government, in Iran. I wonder is there anything in the present restrictions on the Agency that has permitted the Agency or entered it in the support of the formation of these groups or in perhaps supplying them with arms?

A. What you are talking about is covert action, because providing arms, supporting dissident groups, whatever it may be, is not an intelligence gathering function it is a covert action, which we define as an effort to influence events in a foreign country without the source of that influence becoming known. So, if you were involved in something like that it would be a covert action and we would be hampered in the directions today by the extensive notification we have to make on Capitol Hill up to 200 people.

- Q. Are you participating in any activity?
- A. I never comment on operational activities. You are the ones who originate the technique. If I say no, when we are not doing it, then when I have another question and it is something I cannot afford to disclose but we are doing it, the only way I could get out of that one is to lie and I won't do that. I would never comment on an operational.
- Q. What is the Agency's best estimate as to the effects of increased U.S. pressure on Iran? Will it bring the release of the hostages, or will it bring a Moscow oriented Marxist party into power in Teheran?
- A. You're dealing in Iran with presently three and shortly four separate power centers -- Khomeini, the President, the militants in the compound and, in due course, the , which is halfway elected. To answer your question, you would have to predict how these four were going to interplay and react as a result of the increased pressures that the President announced the other day. I find that it is very difficult to find any reason that the most powerful of those groups, Khomeini, will exceed the pressure. The man has a history of not conceding, not compromising, and yet, patience and negotiation.....pressures. Whether how soon they will succeed is very much a factor of the internal political dynamics of that country. And I wish I could predict that for you more surely, but it is a country in near chaos economically and politically, and it is almost impossible to make a prognostication of that sort.
- Q. How much progress do you feel the Soviets have made in provoking a revolt by the Baluchis against the Iranian and Pakistani governments? Is there a real threat there that they are likely to move down and try to seal off the Strait of Hormuz?
- A. Certainly there is a real threat latent there. If you'll look at the topography of Afghanistan, it is the south and southwest portions of it, adjacent to Baluchistan and both Iran and Pakistan, that is the easiest terrain--that which can be best accommodated by armored forces--that from which the Soviets can best establish control in Afghanistan and, hence, a base for nefarious activities in Baluchistan. So it is a latent problem. At this point, I believe the Soviets are having sufficient difficulties in gaining control of Afghanistan that that's got to be second on their agenda.
- Q. Can you give us your best judgment on whether the Soviet Union is violating the treaty of any production or stockpiling of bacteriological weapons?
- A. My job as an intelligence official is to report the facts of what the Soviets are doing as I can best discern them under all treaties.

Interpreting whether that complies with a treaty or not is the policy-makers' province, and I don't mean to split hairs, but if I get to passing that kind of a judgment, then I can be accused of slanting the reporting in favor of whatever my opinion is on the compliance or non-compliance with the treaty, or maybe withholding information because it does one thing or another to my previously stated opinion on this. So, with SALT, I don't make those judgments.

Q. What can you tell us about the reported outbreak of anthrax in the Soviet city of Sverdlovsk? Was this a pulmonary form of anthrax? Does this preclude explanations other than a bacteriological agent? Is there an installation in the area that your Agency believes to be a bacteriological weapons facility?

A. There is a bacteriological research facility there. There clearly was an epidemic in that city. We cannot say that it was from bacteriological materials that were intended for weapons. There is a reasonable probability that (inaudible) go to court.

Q. Have the Soviets constructed new and additional bacteriological weapons or facilities since the conclusion of this treaty?

A. I can't respond to that one in the public forum.

Q. The Sverdlovsk incident occurred in April of 1979. The reports were to be published in Europe as early as last October. When was the US Government....episode and were protests (inaudible).

A. Again, you're out of my sphere.

Q. Did you learn of the episode before October?

A. Again, you're off the list.

Q. The Huddleston Bill, which is the legislative proposal that was intended to create the CIA charters, proposed to exempt the CIA from the provisions of the Freedom of Information Act. I understood you to say in your remarks that you substantially support that. Many of us were elated last year when Deputy Director Carlucci testified that the Agency could function with all the protection it needed under the present Freedom of Information Act. Did something change since he testified or do you simply have disagreements with him about that?

A. Frank Carlucci's the strongest advocate I know of in the government for limited relief from the Freedom of Information Act. I can't

understand what you are referring to because I can't believe he ever said he didn't need relief from it because he has been carrying that torch public for a long time now.

Q. Well, I think that you're saying that you both agree that you need relief from the Freedom of Information Act.

A. Absolutely.

Q. Is there any material that has been released under the present statutes to the Soviet Ambassador or to newsmen that actually divulge national security secrets that jeopardize the security of the country?

A. Yes. But, only because of administrative errors on our part.

Q. So under the Act, you do have the right to censor out sensitive matters.

A. We do.

Q. Why then do you need relief from the Freedom of Information Act if you are the ultimate censor at present?

A. I explained that in my comments. Because there is a perception on the part of foreign agents and liaison services that we may not be able to hold the line under the Freedom of Information Act. Thus far, we have not lost a case in the court when we have claimed something was classified and, therefore, could not be released, and there was a suit to that effect, but if you are going to stick your neck, your life on the line for us, you want to count on our being able to win every court case of that sort in the future with an unpredictable series of judges and legal procedures in this country--of course you would not. You would not ask your sources to provide information to you under circumstances like that. It is ridiculous to think that I can recruit sources for much more delicate, risky operations than you ask your sources to undertake under these circumstances.

Q. I don't want to belabor the point, Admiral, but if the sources understand that the Agency has the right to censor and delete any information that is of a sensitive nature...

A. We don't have that right. We are subject to the courts of the United States if we are challenged by you or anyone else. We don't have that absolute right and I cannot, therefore, look

you in the eye and say, "I guarantee you that I will never disclose your name in public."

Q. Well, let me just follow it up just one step beyond that. It's your feeling that questions of that sort should not be submitted to in camera judicial review--that that is dangerous?

A. For purposes of brevity, I left out of my remarks a fourth relief that we hope will be enacted. It's one that the Attorney General has sponsored but we're very supportive of it. And that is to establish a law which permits in camera handling of classified information in our courts. Because, we are subject today to what's known as graymail. And this would be a great help there. It still would not completely serve the purpose that we need in relief from the Freedom of Information Act, because you're talking now about trying to persuade people with different cultures, different backgrounds, different outlooks on life that they can risk their lives under what you give them is a very distorted explanation that well, it will go to court and if it goes to court anything about you will be in camera then you still have to say, and I assume that all judges will recognize the sensitivity of revealing your name and identity and therefore having it in camera will keep it secret. It just won't sell.

Q. Let me just ask one question in this area. President Carter and Vice President Mondale, who was a member of the Church Committee, campaigned on pledges to reform the CIA. And, the President said in his campaign that the CIA had, in fact, been involved in abuses and he wanted the government to change. He now says, in the State of the Union message, that he wants to remove some restrictions from intelligence gathering and to hear him say that and listening to you today, it occurs to me there has been a change in mood in the Administration about this whole area that at one point more openness was what the President seemed to want, now as I listen to you and what he said in the State of the Union, more secrecy is required. Am I wrong about that is that a change?

A. You're absolutely wrong. What has happened is that we have been successful in establishing the controls that will prevent the abuses that the President spoke against in his campaign. We have proved to ourselves that through the oversight process of an independent intelligence oversight board, of a National Security Council procedure, of two committees of the Congress, of much more scrutiny by you, the media, that we have built a series of assurances and controls that

will give the American people confidence that there will not be abuses in the future. Now, in that atmosphere we can go and relook at the initial reactions to some of the abuses and that was an overly constrained set of controls was put on because there was no oversight process of adequacy at that time. So, the initial reaction was understandable, the Hughes-Ryan Amendment which overdid it can be relaxed to some extent now and we haven't had to remove any of these, we have asked to litigate their worse features. We now can afford to do that because we have proved over a period of four years that we have an effective oversight mechanism to protect the American citizen and his rights.

Q. Admiral, you made some reference to the fact that this is an area in which the Marquis of Queensbury Rules just don't apply. You know it is sometimes said that newspapering is not a respectable business and those who seek to make it so only pervert it. Do you say the same about (inaudible)?

A. I wouldn't say the same about newspapers.

Q. Admiral, do you think the President should personally approve on advance notice, CIA covert operations?

A. Yes, he does.

Q. So he should know everything that CIA is doing in countries around the world in advance of doing them?

A. Yes.

Q. You said, as I understood it in your initial comments, that you wanted to reduce the number of committees involved on oversight from 8 to 2 and you said that a number of those committees were involved in the intelligence committees. And then you said that it was satisfactory as long as the secrets were "within the committee structure." Does that mean something less than sharing with all the committee members advance notice on covert operations?

A. What it means to me is that there are 13 to 17 members on the two intelligence committees. There are 2 members of each intelligence committee who are also members of the Appropriations Committee. There are 2 who are also members of the Armed Services and there are 2 who are also members of the Foreign Relations Committee. What we have in mind is that if a Foreign Relations Committee discussion is going

on in the Foreign Relations forum about country x and we're conducting a covert action in country x, there will be 2 members of that committee who can raise their hands and let's go into a closed session because there is information not apparent on the surface here which I have as a result of being a member of the Intelligence Committee, and, therefore, it's germane to this issue. It means that other than those members, the other members would not normally come into contact with these covert actions unless they pour on a debate in that particular committee.

Q. It specifically would not mean limiting access to the chairman of the committee alone. The Agency would never just go to a committee chairman and consider that that put it within the committee's trust.

A. No, that's not what we have in mind at all.

Q. Admiral, I believe that you have disclosed here a reversal of CIA policy that is of importance to every newspaper person in the country. When it was revealed some years ago that the CIA had infiltrated the American press--I'm not using that word pejoratively--the CIA had engaged American journalists to work for the Agency, there was understandable uproar. Journalists throughout the country felt that this endangered not only the ethic of our work, but physical existence of our foreign correspondents. For certain reasons, editors of large newspapers, as well as foreign correspondents, had a large part in that, I felt that way. To put it to question, the real purpose of American foreign correspondents. At that time, one of your predecessors, George Bush, said in response to many queries and much discussion, that the CIA would not use American journalists to engage in its work. He did not, as I recall, exclude the possibility of the use of stringers. But as I do recall, and the Director I think will bear me out on this, Mr. Bush said that he would not engage regular American correspondents. Have you changed that policy? Are you aware of Mr. Bush's comments?

A. Oh, I'm aware of the regulation which Mr. Bush established.

Q. Have you changed it?

A. Yes.

Q. Has the change been announced?

A. It was out three years ago.

- Q. When was it announced, sir?
- A. April or May of 1977. The only change I made was to put in the clause that was my personal approval that exceptions could be made. In part, that's because I had registered with me complaints from the media, the clerics and the academics that some ridiculous actions were taking place. We have something called the Foreign Broadcast Information Service, an unclassified activity that all of you I think rely on. We were using some part time clerics as translators for unclassified information. We fired them under these rules. So we now said no, we could have some flexibility.
- Q. But you had told us. You have now told us
- A. Over three years ago.
- Q. That I don't think it quite sunk into the American press that the Director of CIA now feels that it is his right to use American journalists stationed abroad when deems it necessary.
- A. Well, I've not tried to hide that (inaudible)
- Q. Was that something approved by the President?
- A. I testified in public before the Aspen Subcommittee and the House Intelligence Committee and there was great publicity on it in the media that this was our procedure.
- Q. Admiral, have you in fact used this discretionary power (inaudible)
- A. On three occasions I have given permission to utilize a journalist for intelligence purposes. It happens that in none of those instances did we ever consummate that action. The circumstances just didn't materialize in the right way. I have reported to the Aspen Subcommittee, to the House Intelligence Committee the exact circumstances and the reasons for that and about ten days ago, Chairman Boland of that committee send me a letter, published it openly, saying that he had reviewed those three exceptions and he considered them perfectly reasonable.
- Q. I'd like to ask you a subjective question now.

- A. I think this is the way in which the system should operate. It should not iron clad by a wall, by an inflexible rule. I should have authority to make exceptions when it is reasonable and in the national interest to do so. But the oversight committees should check on me, and find out whether I'm being capricious or doing this for less than good reason, and then report to you, as Mr. Boland has done. It's a perfect demonstration of how the system should work so as not to tie this country into knots.
- Q. Admiral, I'd like to ask a subjective question. Do you think it is worthwhile for the purpose that you are able to make a decision three times and not to pass into doubt, the ethical and professional position of every foreign correspondent now abroad. In other words, how is the government acting as host to an American correspondent to know whether that person has been one of your exceptions, particularly in danger areas?
- A. I think that we're naive if we think every foreign correspondent around the world from other countries is free of intelligence association. I think we're naive if we think a regulation that I would issue Congress would pass is the best and proper way to protect your ethics. I'd be shamed if I were to have to have a law to protect my ethics. You could be suborned by the military/industrial complex, by business, by so many people in addition to intelligence that surely, to maintain your credentials to the world you need to perform and to be independent, not to have some regulation on the Central Intelligence Agency's books to protect you.
- Q. Admiral, I'd like to ask as the laws governing the CIA, the protection of covert activities that you're worried about really came about because people in high political places that reviewed CIA for other than the purposes that you described this morning, I'd like to ask you if you think the present laws and the present policy that they are working are adequate protection from people in high political places from ever again using CIA for their own purposes?
- A. Yes, I do. I just can't impress on you enough how many hurdles I must go through before a covert action can be effected. And those hurdles include different departments of the Executive Branch who have different outlooks, different interests and the Legislative Branch, and including the possibility that if something were askew,

any one of our employees who are privileged to know about could report it to the Intelligence Oversight Board. In short, I sincerely believe that if there were attempted abuse of the covert action mechanism of our country, there are enough people now informed of it with enough different interests and different power relationships, that it would come to light.

Q. How many covert actions have you been encouraged to undertake by the existing notification ?

A. Several.

Q. Fewer than five?

A. I don't want to get very specific. And it's a very subjective issue. To begin with, at what level in the hierarchy's thinking of covert actions do these things get turned off because people say well, we just couldn't possibly do that if we're going to notify that many people, it may endanger peoples' lives or it will blow too quickly, so they may be many more that I never heard of and never came to me. But, only a relatively few, but some significant ones.

Q. Admiral, do you have "criminal sanctions" for anyone who reveals the name of a covert agent. Senator Moynihan takes an opposite view saying that would possibly interfere with legitimate coverage of your Agency, and a Justice Department official has testified that it would be unconstitutional. , of that proposal, and if so, can you give us some of your views on the constitutional implications of that?

A. The Justice Department does agree with (inaudible) and it is a very limited authority, not nearly as broad as what you are saying. It is an authority to prosecute when there is a deliberate revelation of what was known to be classified information on individuals who work in the intelligence field and whose identity was deliberately attempted to be concealed by the government. So there are very tight limitations on this. A newspaper reporter who published one of our people's name not knowing what this was about would have no problem.

Q. And therefore, the act of classification itself would bring automatic criminal sanctions if that were true; by simply classifying the information whether it was justified or not would lead to criminal sanctions if it were published.

- A. Well, if the individual knew that it was classified and deliberately wanted to expose it with intent to harm (inaudible) that's the other proviso.
- Q. I share Abe's I've learned that we have slipped back from the position American correspondents with the assumption that they could not be CIA paid. The point where now your power of exception will be declared jeopardizes all, but let me ask a further question. In stating your policy that journalists would not be utilized by the CIA without your express review, were you referring the journalists reporting for American publications only or for journalists of all countries?
- A. I'm only talking about our relationships with journalists associated with American media organizations.
- Q. We recognize, Admiral, that
- A. I'd be happy to work with a Pravda correspondent if he'd like to be my agent.
- Q. That's the point. I would like to address a question to you. We recognize, perhaps more than anyone, that freedom and freedom of the press varies (inaudible). We in America stand for freedom, but really have very little except the power of our example to go up with our flag unfurled. The freedom of the press we recommend to all nations independent from government, independent from employment by their spy networks that these things occur. But what about this power of American example? Would it not be well if you extended your policy statement covering American journalists to cover journalists of all nations?
- A. I'm really impressed by an explicit assumption in all of these conversations. What you're saying, I believe, is that if you accept an assignment from me to get some information that may be very vital to our country, you've lost your freedom. And I don't understand that. I really don't. You're sort of saying that if you accept a request to serve your country, maybe for money, maybe not, that you're no longer free, that you're going to be doing something that's against your profession. Now, if you slant the news because you are on our payroll, that's

bad. You aren't free, but it's your choice whether a relationship with us, reporting information to us can somehow profane your work. And you must have relationships with all kinds of other organizations besides ours and, hopefully, you're maintaining your freedom there. So, I'm sorry, I don't understand the